

Appl. No. : 10/692,089
Filed : October 23, 2003

COMMENTS

Claims 9-24 are now pending in the present application, Claims 1-8 having been canceled without prejudice or disclaimer as being drawn to a non-elected species, Claims 9-16 having been amended, and new Claims 17-24 having been added. The claims set forth above include marking to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ and additions being underlined.

In response to the Office Action mailed November 2, 2004, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Mokdad et al. Does Not Anticipate Claims 9-11

Claims 9-11 stand rejected as being anticipated under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,711,191 issued to Mokdad et al. Applicants respectfully traverse the present rejection. However, in order to expedite prosecution of the present application, Applicants have amended Claim 9. Applicants expressly reserve the right to further prosecute the original versions of Claims 9-16 through continuation practice.

Mokdad et al. teaches a vibration dampening flywheel arrangement for the clutch of a motor vehicle. For example, as shown in Figure 1 of Mokdad et al., a tubular hub 14 is connected to a crankshaft 34 with screws 32. The tubular hub 14 also supports a plate portion 11 of the flywheel assembly 1. However, no portion of the tubular hub extends over an axis of the crankshaft 34, identified by line X-X of Figure 1 of Mokdad et al.

In contrast, Claim 9 now recites, among other recitations, “an outboard motor including an internal combustion engine a flywheel having a wheel portion and a coupling portion which are unitarily formed with each other, the coupling portion extending over the end portion of the crankshaft and intersecting an axis of the crankshaft, a fastener fastening the coupling portion onto the end portion of the crankshaft, the wheel portion defining at least a portion of a recess, and at least one stator coil disposed at least partially in the recess.”

Initially, Applicants would like to note that the flywheel of Mokdad et al. is a completely different flywheel from that presently recited in Claim 9. In particular, the flywheel of the Mokdad et al. reference is for a clutch assembly. As noted above, the flywheel presently recited in Claim 9 includes a stator coil disposed at least partially within a recess defined at least partially by the wheel portion of the flywheel. Further, nothing in

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Mokdad et al. discloses a coupling portion that extends over an axis of the crankshaft. Rather, as is plainly apparent in Figure 1 of Mokdad et al., no part of the cylindrical hub 14 extends over the axis X-X. Thus, Mokdad et al. clearly fails to teach many of the recitations presently recited in Claim 9.

Thus, Applicants submit that Claim 9 clearly and non-obviously defines over the Mokdad et al. reference. Additionally, Applicants submit that Claims 10-20 also define over the Mokdad et al. reference, not only because they depend from Claim 9, but also on their own merit.

Mokdad et al. Does Not Make Claims 12-16 Obvious

Claims 12-16 stand rejected under 35 U.S.C. § 103 as being obvious over Mokdad et al. Applicants respectfully traverse the present rejection. As noted above, Applicants submit that Claim 9 clearly and non-obviously defines over the Mokdad et al. reference. Thus, Applicants submit the present rejection is moot.

Additionally, Applicants wish to point out that it has long been established that in order to rely on a reference under 35 U.S.C. § 103, the reference must be analogous prior art. "In order to rely on a reference as a basis for a rejection of an applicant's invention, the reference must be in the field of applicant's endeavor or, if not, then reasonably pertinent to the particular problem with which the inventor was concerned." M.P.E.P. § 2141.01(a).

As noted above, Claim 9 now recites, among other recitations, "an outboard motor including an internal combustion engine a flywheel having a wheel portion and a coupling portion the wheel portion defining at least a portion of a recess and at least one stator coil disposed at least partially in the recess." Further, as noted in the Summary of the Invention of the present application, the inventors of the present application were concerned with designing a flywheel that is more simple and can be produced more inexpensively.

In contrast, the Mokdad et al. reference is in the field of flywheels for clutches, which do not include stator coils. Additionally, the Mokdad et al. reference is directed to anti-vibrational damping flywheel assemblies, not creating a more simple and less expensive flywheel that is used in conjunction with stator coils. As such, the Mokdad et al. reference would not normally come to the attention of an inventor, such as those of the present application. Thus, Applicants submit that the Mokdad et al. reference is not analogous prior art, and thus cannot be used as part of an obviousness-type rejection.

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Applicants thus submit that Claims 12-16 are not made obvious by the Mokdad et al. reference.

Claims 9-24 Read on the Elected Species

In the Response to the Election of Species Requirement filed August 23, 2004, Applicants elected Species II for prosecution in the present Application, which the Examiner identified as corresponding to Figures 6-9. New Claims 17-24 all recite features that are illustrated in the non-limiting embodiments of Figures 6-9 and described in the corresponding text of the present Application. Thus, new Claims 17-24 should be examined along with Claims 9-16.

Additionally, Applicants submit that new Claim 21 clearly and non-obviously defines over the Mokdad et al. reference. For example, Claim 21 recites, among other recitations, a stator coil, which is not disclosed by Mokdad et al. Thus, for at least this reason, Claim 21 defines over the Mokdad et al. reference. Additionally, Claims 22-24 also define over the Mokdad et al. reference, not only because they depend from Claim 21, but also on their own merit.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any

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undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Respectfully submitted,

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By:  _____

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